

## CODE OF MIAMI-DADE COUNTY

### **Sec. 2-115.11. Biscayne National Park Buffer Development Review Committee; intent and purpose; establishment; membership; qualifications; appointment; term; duties; staff support.**

#### *(1) Legislative intent and purpose.*

- (a) It is the intent of the Board of County Commissioners of Miami-Dade County, Florida, to develop a plan and study, to be known collectively as the South Miami-Dade Land Use and Water Management Plan (hereinafter referred to as "the Plan"), pursuant to policy established in the Comprehensive Development Master Plan (CDMP). The purposes of this Plan shall be:

- i. To identify and protect lands, including their uses and functions, that are essential for preserving the environmental, economic and community values of Biscayne National Park;
- ii. To identify and establish mechanisms for protecting constitutional private property rights of owners of lands identified in (1)(a)i. above.
- iii. To support a viable, balanced economy including agriculture, recreation, tourism, and urban development in the planning area, hereafter defined as the area from the C-2 (Snapper Creek) canal basin south as the primary area, and the C-3 (Coral Gables) to C-2 canal basin as a secondary area, as said canal basins are delineated in the South Florida Water Management District's November 1995 Update of the Surface Water Improvement and Management (SWIM) Plan for Biscayne Bay.
- iv. To assure compatible land uses and zoning decisions in the planning area consistent with long-term objectives for a sustainable south Miami-Dade.

- (b) In the interim, until the plan is adopted, it is the intent of the Board of County Commissioners to conservatively manage land and water resources within the described plan area east of US-1 outside the Urban Development Boundary (UDB) as delineated in the CDMP (hereinafter referred to as the "Review Area") to enable the prospective plan to accomplish its purposes. Toward that end, until the plan is prepared and the Board of County Commissioners takes final action on the proposed plan, all County boards shall apply heightened scrutiny to potential impacts on Biscayne National Park that might result from any requests for CDMP amendments or other development approvals in the Review Area that require approval at a public hearing.

Until the plan is completed, a review committee shall be created to advise appropriate County boards regarding certain requests for CDMP amendments and development approvals in the Review Area, in the manner provided herein.

#### *(2) Biscayne National Park Buffer Development Review Committee.*

- (a) There is hereby established an advisory board to be known as the Biscayne National Park Buffer Development Review Committee. The Committee shall be composed of nine (9) members, appointed as follows: one representative from Biscayne National Park; one representative from the South Florida Water Management district; two (2) representatives from non-regulatory environmental organizations advocacy groups; one representative of land-owners; one representative of a local lending institution having an equity interest in land, in the Review Area; two (2) representatives from local agricultural organizations; and one representative from a Chamber of Commerce active in South Miami-Dade.

- (b) Each member shall be appointed by the County Manager and approved by the Board of County Commissioners to serve a term lasting the duration of the Committee's life or until replaced by the County Manager with the approval of the Board of County Commissioners. Appointments and activities of the Committee shall otherwise comply with requirements of Sections 2-11.36 through 2-11.40 of the Code of Miami-Dade County, Florida. At its first meeting and annually thereafter, the Committee shall elect a Chair and Vice Chair. It is the Chair's responsibility to chair all meetings, to certify the recommendations issued by the Committee to the final decision-making body, and to issue an annual report to the Board of County Commissioners in accordance with Section 2-11.37(a), Code of Miami-Dade County. A simple majority of the Committee members shall constitute a quorum and a simple majority of a quorum of the Committee shall be required for the passage of any motion or approval of any recommendation.
- (c) The responsibility of the Biscayne National Park Buffer Development Review committee shall be to evaluate and make recommendations on requests for CDMP amendments and development approvals in the Review Area which require approval after a public hearing pursuant to the requirements of Chapter 33, Miami-Dade County Code, including, but not limited to, zoning district boundary changes, special exceptions, unusual uses, use variances, nonuse variances, and non-administrative site plan reviews. The Committee's recommendations shall specifically address and be limited to potential impacts on Biscayne National Park and consistency with relevant provisions of the CDMP. The Committee's recommendations may include appropriate justifications for their conclusions, and recommendations for approval may include conditions where appropriate. In formulating its recommendations, the Committee shall consider County staff's evaluation and/or recommendations if timely available, public comments, and other information received during public meetings conducted by the Committee. Any such information or considerations shall be made part of the public record of the Committee. If a proposal is scheduled for review by the Committee at a properly noticed public meeting, and the Committee fails to adopt a recommendation on the proposal, the Committee's recommendation shall be deemed to be without objection to the proposal.
- (d) The County Manager shall assign appropriate staff, who shall prepare necessary meeting materials and advertisements, arrange meeting locations, and transmit the recommendations of the Committee to the appropriate body. The Committee's meetings and actions shall be scheduled in a manner that will enable timely issuance of recommendations in advance of agenda preparation for the final decision-making body without delaying the established procedure of that body.
- (e) After January 2002 and until the Watershed Plan is implemented, the Review Committee shall apply the following interim measures to further the purposes of the Plan and to assist in the heightened scrutiny required by this section. These measures are as follows:
- i. Applicants for uses other than those permitted as of right in the applicable Comprehensive Development Master Plan designation and by the existing zoning should be required to demonstrate that the proposed use is a public necessity, or is in the public interest and that no suitable site for the use exists outside of the Review Area.
  - ii. For each application involving a telecommunications tower in the Review Area, the applicant shall provide the Review Committee and the applicable community zoning appeals board with a

regional map showing the location of existing and permitted telecommunication towers and available data on the impact of existing towers on birds, in areas comparable to the Review Area. Further, the applicant shall document that co-location opportunities, existing public structures and developed public lands have been utilized to the maximum extent feasible and that design aesthetics have been incorporated. Assessment of feasibility shall include consideration of the technical requirements of differing types of telecommunications providers. The County shall review all documentation submitted by the applicant pursuant to the above requirements for technical accuracy. The Committee and the applicable community zoning appeals board shall defer or deny actions on applications for telecommunications towers in the Review Area until the above listed items are provided.

- iii. County staff from DERM and the Department of Planning and Zoning shall coordinate reports on all issued and pending state and federal environmental permits associated with a specific, pending development proposal in the Review Area. These reports should be presented by representatives of the permitting agencies, including the South Florida Water Management District, the Florida Department of Environmental Protection, and the U.S. Army Corps of Engineers, at public meetings conducted by the Committee, and/or submitted in writing prior to public meetings.

- (f) The Committee may issue recommendations for revisions to these interim measures or for additional interim measures from time to time until the Plan is approved.

(Ord. No. 97-22, § 1, 3-18-97; Ord. No. 99-43, § 1, 4-27-99; Ord. No. 01-111, § 1, 6-19-01; Ord. No. 02-233, § 1, 10-22-02)